

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

THE EUROPEAN COMMUNITY)	
)	AFFIDAVIT OF CELESTE INGALLS
Plaintiffs)	
v.)	Case No. CV 00 6617
RJR NABISCO, INC., et al)	
)	
Defendants)	

OREGON)	
)	ss
County of Multnomah)	

I declare that I, Celeste Ingalls, am a citizen of Oregon, over the age of twenty-one, not a party nor an attorney for any party in this action, and state the following:

- I am employed by Alan H. Crowe & Associates, Inc. dba Crowe Foreign Services, 1020 SW Taylor Street, Suite 240, Portland, Oregon, and specialize in the service of civil process in foreign countries; and
2. The United States and Japan are both signatories to the Convention on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters, Done at the Hague, November 15, 1965, (Hague Service Convention); and
 3. In accordance with Rule 4 of the Federal Rules of Civil Procedure, service outside the United States shall be subject to the provisions of the Hague Service Convention; and
 4. Japan has formally declared that it objects to the use of private process service methods within its territory; and
 5. The Ministry of Foreign Affairs in Tokyo has been designated as the Central Authority by the Japanese government and is the entity authorized to accept and effect service of foreign process under the provisions of the Hague Service Convention; and
 6. Article 3 of the convention states "the Authority or Judicial Officer competent under the law of the state in which the documents originate shall forward to the Central Authority of the State addressed a request....."; and
 7. The Director of the Second Division, Civil Affairs Bureau of the Supreme Court of Tokyo has declared that its interpretation of authorized requests for the service of judicial process under the provisions of the Hague Service Convention are such that Japan will only process a request for service of documents if the request "emanates from a judicial authority or from the diplomatic or consular representation of a contracting state.....If that is not possible, **a covering letter from the judge or clerk to the Director of Courts...**"; and

8. It has been our consistent experience that the Central Authority in Japan will not accept requests for service of judicial documents from someone other than the court or consular representation unless the request is accompanied by the court's order appointing that someone (Crowe Foreign Services) as the international process server competent and authorized to request service in a specific case; and
9. The government of Japan has declared that all documents to be served in accordance with the Hague Service Convention be translated into Japanese, in their entirety; and
10. Once all documents are obtained, prepared and forwarded to the Central Authority, it has been our consistent experience that service of said documents in Japan, in accordance with the Hague Service Convention, takes approximately 3 months to complete but has occasionally exceeded 5 months.

Celeste Ingalls

SUBSCRIBED AND SWORN to before me this 11th day of January 2001.



[Signature]
Notary Public for Oregon